HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 26256 of 2007

DATED: 14.12.2007

Between:

Malam Jeevaiah and others

… Petitioners

and

The Tahsildar,
Ongole Mandal, Prakasam District and others

… Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 26256 of 2007

ORDER:

Heard the learned counsel for the petitioners and also the learned Government Pleader for Revenue, appearing on behalf of the respondents 1 to 3.

On the ground of interference with the possession of the petitioners by the respondents, this writ petition is filed.

The petitioners claim that they are the pattedars and possessors of different extents of land in Sy.Nos. 333/2, 329/4, 329/3, 333/5 and 333/3, situated at Chejerla Village, Ongole, Prakasam District. It is stated that as they were landless poor persons, D.K.T. pattas were issued to them as per the land assignment Rules during the year 1985 and since then they have been cultivating the lands as per the conditions imposed in the patta. It is their grievance that though they have not violated any conditions of patta, but however, on the influence of the respondents 4 and 5, the respondents 1 to 3 are interfering with their peaceful possession and enjoyment.

On instructions, it is submitted by the learned Government Pleader for Revenue, appearing for the respondents 1 to 3 that so far

no orders have been passed canceling the patta, but as the petitioners did not bring the land into active cultivation within the prescribed period, as per the Condition No.2, there is a proposal for initiation of proceedings for cancellation of patta.

As on today, the pattas granted to the petitioners are valid. In that view of the matter, there cannot be any reason for the respondents to interfere with the possession of the petitioners. In absence of any violation of conditions of patta and as the pattas granted to the petitioners are valid, the respondents cannot interfere at this stage.

In that view of the matter, this writ petition is disposed of directing the respondents 1 to 3 not to interfere with the possession of the petitioners with regard to the lands in question. However, it is made clear that if there is any violation of conditions of patta, it is open for the respondents to take steps in accordance with law and pass appropriate orders.

Subject to the above, the writ petition is disposed of. No costs.

R. SUBHASH REDDY,J

Date:14.12.2007
cvm